

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Establishment – Irrigation & CAD Department - APES – Sri M.K. Khaisagi, AEE – Regularisation leave period from 16.10.1993 to 8.7.1997 as E.O.L. by relaxing the rule 23(a)(ii) of A.P. Leave Rules, 1993 – Modification orders – Issued.

IRRIGATION & CAD (Ser.I(1) DEPARTMENT

G.O.Rt.No. 1432

Dated:04.11.2008.

Read the following:

1. Govt.Memo.No.9119/Ser.I(1)/2006-9, dt.7.7.2007.
2. From the ENC(AW), Hyd Lr.No.RC/ENC/VC2/43093/96-2, dt.12.4.2008.
3. From the GP, APAT, Hyderabad, O.A.No.4178/2008 filed by Sri M.K.Khaisagi, AEE, dt.18.6.2008.
4. From the ENC(AW), Hyd Lr.No.RC/ENC/VC2/43093/96, dt.14.7.2008.
5. From the ENC(AW), Hyd Lr.No.RC/ENC/VC2/43093/96-2, dt.13.8.2008.
6. Govt.Memo.No.18063/Ser.I(1)/2008-4, dt.14.8.2008.

Sri M.K.Khaisagi, Assistant Executive Engineer, I & CAD Department has availed leave for 1362 days for prosecuting higher studies at Bombay. The ENC(AW), Hyd has regularized the leave from 16.10.1993 to 8.7.1997 as E.O.L. vide his proceedings dt.16.9.1997. Further the ENC(AW), Hyderabad has furnished the proposal for regularization of above leave period of the individual duly relaxing the Rule 23(a)(ii) vide his letter dt.21.3.2007, which facilitate the declaration of probation, as the individual has not approved probationer. After examining the proposal, Government issued orders with a direction to treat the study leave period as "Dies-non" as per Note-1 under FR 18 and Rule 5-A of A.P. Leave Rules, 1933, vide reference 1st read above. Subsequently, the ENC(AW), Hyd has issued proceedings vide reference 2nd read above, treating the leave period of Sri M.K.Khaisagi, AEE for 1362 days of study leave as "Dies-non" duly cancelling his proceedings dt.16.9.1997. The individual has challenged the above proceedings in the Hon'ble APAT, Hyderabad and filed OA No.4178/2008. The Hon'ble APAT, Hyderabad while admitting the above OA has stayed the proceedings of ENC(AW), dt.12.4.2008 for 14 days and further extended until further orders vide its order dt.2.7.2008. The ENC(AW), Hyd vide reference 4th read above, has requested to examine the issue in terms of G.O.Ms.No.183, Fin & Plg Dept., dt.21.7.1978 with necessary relaxation of rule 23(a)(ii) for filing the counter affidavit in Hon'ble APAT. As the matter stood thus, the individual has filed C.A.No.494/2008 in OA No.4178/2008.

After careful examination of the matter, it has been provisionally decided to regularize the leave period of the AEE from 16.10.1993 to 8.7.1997 as E.O.L. by relaxing the rule 23(a)(ii) of A.P. Leave Rules, 1933 to avoid further legal complications. Accordingly, in the reference 6th read above, the ENC(AW) was requested to take action for filing an interim counter affidavit on behalf of all the Respondents appraising the position to the Hon'ble APAT and seeking adequate time.

In view of the above and after getting thorough examination of the matter, hereby direct the ENC(AW) to consider the request of Sri M.K. Khaisagi, AEE, to regularize the leave period from 16.10.1993 to 8.7.1997 for prosecuting higher studies as E.O.L. in relaxation of rule 23 (a)(ii) of A.P. Leave Rules, 1933 duly cancelling the earlier orders / instructions, if any.

The Engineer-in-Chief (AW), Irrigation & CAD Department, Hyderabad is requested to take necessary action accordingly. He is also requested to take necessary steps for closure of all the court cases in the matter duly explaining the above position to the G.P., APAT, Hyderabad.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P. TUCKER
PRINCIPAL SECRETARY TO GOVERNMENT

To:
The Engineer-in-Chief (AW),
Irrigation & CAD Department, Hyderabad.
S.F./S.C.

//FORWARDED BY ORDER//

SECTION OFFICER